

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 3:05-CV-30022-KPN

ALL STATES ASPHALT, INC. and
NEW ENGLAND EMULSIONS CORP.,

Plaintiffs

v.

FIREMAN'S FUND INSURANCE
COMPANY,

Defendant

**JOINT MOTION OF THE PARTIES
TO AMEND SCHEDULING ORDER
OF JUNE 23, 2005**

The parties hereby jointly move to amend the scheduling order in the above-entitled matter.

As grounds therefor, the parties state that they have exchanged written discovery and are in the process of arranging for the taking of depositions. However, due to scheduling delays and the necessity to take depositions of individuals outside of Massachusetts, additional time is needed to complete the non-expert depositions. The parties therefore request that the time for completion of non-expert depositions be extended three months until April 17, 2006, and that the case management conference currently scheduled for January 18, 2006, be rescheduled for a date convenient for the court sometime after April 17, 2006. Similarly, the parties request that the time for expert witness disclosure be extended three months.

Respectfully submitted,

The Defendant,
Fireman's Fund Insurance Company
By its attorney,

The Plaintiffs, All States Asphalt, Inc. and
New England Emulsions Corp.,
By their attorneys,

/s/ Robert W. Harrington

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December 1, 2005

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CERTIFICATE OF SERVICE

I, PAUL H. ROTHSCCHILD, hereby certify that on the 1st day of December 2005, I caused a copy of the foregoing Joint Motion of the Parties to Amend Scheduling Order of June 23, 2005 to be served upon all interested parties by mailing a copy thereof, postage prepaid, first class mail to:

Robert W. Harrington, Esq.
Law Offices of Robert W. Harrington
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Boston, MA 02108

/s/ Paul H. Rothschild

PAUL H. ROTHSCCHILD